

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

OTIS MAYS,

Plaintiff,

v.

BUREAU OF PRISONS et al.,

Defendants.

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Case No. CIV-22-824-G

ORDER

Plaintiff Otis Mays, a federal inmate appearing pro se, filed a Complaint (Doc. No. 1) alleging deprivations of his constitutional rights against multiple defendants. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings.

On January 25, 2024, Judge Erwin issued a Report and Recommendation (“R. & R.,” Doc. No. 33), recommending that the Complaint be dismissed without prejudice due to Plaintiff’s failure to state a claim upon which relief may be granted. *See id.* at 1-6 (citing 28 U.S.C. § 1915A(b)).

Plaintiff timely filed an Objection to the R. & R. *See* Doc. No. 34. Pursuant to controlling authority, the Court reviews de novo the portions of the R. & R. to which specific objections have been made. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff’s Objection largely restates the factual allegations already presented in the Complaint and considered by Judge Erwin. *See* Pl.’s Obj. at 1-2. Nothing therein evinces

any error in Judge Erwin's findings or conclusions. Accordingly, Plaintiff's Objection is overruled.

CONCLUSION

For the foregoing reasons, the Report and Recommendation (Doc. No. 33) is ADOPTED in its entirety. The Complaint (Doc. No. 1) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.

A separate judgment shall be entered.

IT IS SO ORDERED this 11th day of April, 2024.



CHARLES B. GOODWIN
United States District Judge